

### **REMARKS**

The Examiner's action mailed April 23, 2004 has been given careful consideration by the applicants, who respectfully request reconsideration of the application. Claims 1, 2 and 11 have been amended, and claims 1-24 remain in the application.

### **The Office Action**

The Examiner objected to the numbering of claims.

The Examiner rejected claims 1-12 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner rejected claims 1-24 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,600,811 to Patel, et al.

### **Claim Objections**

The Examiner objected to misnumbered claims 22 and 23 because they were not numbered in accordance with 37 C.F.R. 1.126. Misnumbered claims 22 and 23 have been renumbered as 23 and 24, respectively. Therefore, the objection should be removed.

### **35 U.S.C. §112 Rejection**

The Examiner rejected claim 1 because the relationship between the two limitations "a monitor connection" and "a controller configured" is unclear. Claim 1 has been amended to clarify the relationship. Therefore, claim 1 should be allowed.

The Examiner also rejected claims 2-12 because they depend from claim 1. Because claims 2-12 depend from claim 1, which has been amended and is now in condition for allowance, claims 2-12 should also be allowed.

Claim 11 has been amended to standardize its terminology with the rest of the claims.

### **The Claims are Patentably Distinguished Over the Cited Reference of Record.**

The Examiner rejected claims 1-22 as being anticipated by Patel. However, Patel relates to an emergency call monitoring system wherein the system monitors the quality of calls of emergency type within the PSTN in order to determine errors and thereafter alert an operator. Patel does not show monitoring all calls generated

between a PSTN and an RSM in order to compile usage data between the PSTN and the RSM, as disclosed and claimed in the present application.

In contrast, amended claims 1, 13, and 22 address monitoring traffic, e.g., the quantity of calls, passing between a PSTN and an RSM in order to determine usage data between a PSTN and an RSM. Without the present invention, it would be difficult to specify new parameters for an upgraded RSM -- because there would be no accumulated usage data between the PSTN and the RSM upon which to base new parameters. The feature of compiling usage data between a PSTN and an RSM, as described and claimed, is not found in the Patel patent. As such, amended claims 1, 13, and 22 are patentably distinct from Patel and should be allowed.

Moreover, since all other claims depend from claims 1, 13, or 22, all other claims are also patentably distinct from Patel and should be allowed.

**CONCLUSION**

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-24) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Joseph Dreher, at (216) 861-5582.

Respectfully submitted,

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August 31, 2004  
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